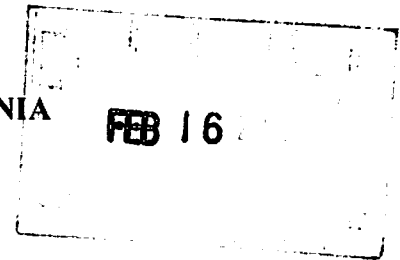


Original

**UNITED
FOR THE EA**

RT
RGINIA



David A. Barahona
216 Colfax Court
Manassas Park, Virginia 20111

Plaintiff,

v.

Environmental Enhancements, Inc.
103 Shaw Road
Sterling, Virginia 20166

Service On Registered Agent:
Patrick J. Falvey
103 Shaw Road
Sterling, Virginia 20166

And

Carl F. Peratt
In his individual capacity
103 Shaw Road
Sterling, Virginia 20166

And

Patrick J. Falvey
In his individual capacity
103 Shaw Road
Sterling, Virginia 20166

Defendants.

CIVIL ACTION No. 1:10cv132
JURY TRIAL DEMANDED

LMB/TCB

COMPLAINT

Plaintiff David A. Barahona ("Mr. Barahona"), by counsel, hereby complains and alleges
as follows:

NATURE OF THE CASE

1. This is an action brought under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §201 *et seq.*, by Mr. Barahona against Defendants Environmental Enhancements, Inc., and Carl F. Peratt and Patrick J. Falvey, for minimum wage violations and overtime violations of the FLSA.

JURISDICTION AND VENUE

2. This court has subject matter jurisdiction over the FLSA claims under 28 U.S.C. § 1331 and 28 U.S.C. §1337.

3. Venue is proper in this district and in this division by virtue of 28 U.S.C. §1391(b) because, among other reasons, a substantial part of the events or omissions giving rise to the claims occurred in this district.

THE PARTIES

4. Mr. Barahona is an adult male resident of Prince William County, Virginia. From on and about June 2008 to December 30, 2009, Mr. Barahona was employed by Defendants Environmental Enhancements, Inc., and Carl F. Peratt and Patrick J. Falvey.

5. Environmental Enhancements, Inc. (hereinafter, "Environmental Enhancements") is a Virginia corporation. Environmental Enhancements has its principal place of business located in Sterling, Virginia. Environmental Enhancements at all times relevant to this Complaint, conducted business activity in the Northern Virginia area and in Sterling.

6. At all times relevant to this Complaint, Defendant Patrick J. Falvey ("Falvey") was an owner and/or an officer of Environmental Enhancements. At all times relevant to this Complaint, Falvey exercised significant control over the day to day happenings at Environmental Enhancements, including the power to select and hire any employee, the power to fire any employee, the power to set wages and compensation for any employee, and the power to control

any employee. At all times relevant to this Complaint, Falvey was an employer of Plaintiff under the FLSA.

7. At all times relevant to this Complaint, Defendant Carl F. Peratt ("Peratt") was an owner and/or an officer of Environmental Enhancements. At all times relevant to this Complaint, Peratt exercised significant control over the day to day happenings at Environmental Enhancements, including the power to select and hire any employee, the power to fire any employee, the power to set wages and compensation for any employee, and the power to control any employee. At all times relevant to this Complaint, Peratt was an employer of Plaintiff under the FLSA.

FACTS

7. On information and belief, Environmental Enhancements had an annual gross volume of sales or business done of \$500,000.00 or more at all times relevant herein.

8. On information and belief, all Defendants together had an annual gross volume of sales or business done of \$500,000.00 or more at all times relevant herein.

9. Defendants were all employers of Mr. Barahona for purposes of the FLSA.

10. Environmental Enhancements and/or Carl F. Peratt and/or Patrick J. Falvey were collectively and/or individually, an enterprise engaged in interstate commerce or in the production of goods for interstate commerce as defined by the FLSA, at all times relevant herein.

11. Both defendants engaged in interstate commerce by such means as regularly making telephone calls to persons in other states, receiving payments from persons in other states, and using goods manufactured in other states.

12. Mr. Barahona was jointly employed by all three Defendants for purposes of the FLSA at all times relevant to this Complaint.

COUNT ONE—VIOLATION OF FLSA MINIMUM WAGE AND OVERTIME REQUIREMENTS

13. The allegations of the preceding paragraphs are here realleged and reincorporated by reference.

14. Defendants did not compensate Barahona for all hours that Defendants required and/or “suffered or permitted” Barahona to work with the actual and/or constructive knowledge of Defendants.

15. Defendants violated the FLSA by not compensating Barahona for all hours he was required and/or “suffered or permitted” to work.

16. Defendants failed to pay Barahona at the federally mandated minimum wage for some or all workweeks.

17. Defendants failed to pay Barahona time and one half his regular rate of pay for all hours over 40 worked in a workweek.


18. By reason of the foregoing, Plaintiff has been damaged and is due unpaid compensation (including unpaid overtime compensation and unpaid minimum wages), an amount equal to that unpaid compensation as liquidated damages, as well as reasonable attorneys’ fees, expenses, and costs under 29 U.S.C. §216(b).

WHEREFORE, Plaintiff demands judgment against Defendants Environmental Enhancements, Inc., and Carl F. Peratt and Patrick J. Falvey, jointly and severally, for unpaid compensation in an amount to be determined at trial, an amount equal to that unpaid compensation as liquidated damages, interest, reasonable attorney’s fees and expenses, costs, and such other relief as this Court considers proper.

Plaintiff demands a trial by jury.

Respectfully Submitted,
David A. Barahona
By and Through His Attorneys,

DATED: 2/15/10



Zachary A. Kitts
Virginia Bar #47052
Counsel for Plaintiff
COOK KITTS & FRANCUZENKO, PLLC
3554 Chain Bridge Road, Suite 402
Fairfax, Virginia 22030
Phone: 703-865-7480
Fax: 703-434-3510
Email: zkitts@cookkitts.com

FAIR LABOR STANDARDS ACT CONSENT FORM

I hereby consent to be a party plaintiff in this action brought pursuant to the Fair Labor Standards Act (29 U.S.C. § 201 *et seq.*) to recover my unpaid regular and overtime wages, liquidated damages, attorney's fees and costs from my current/former employers, Environmental Enhancements and/or any other combination of individuals and corporate entities my attorneys should determine to be liable to me. I understand that I will be bound by the results of this litigation to recover my unpaid wages, overtime, liquidated damages, attorney's fees and costs. I hereby request that my attorneys be paid their reasonable attorney's fees and costs incurred.

David Borahona

Full Name (print)

216 Colfax Ct

Street Address

Manassas Park V.A 20111

City

State

Zip

571-299-0750

Phone



Signature

01-19-10

Date

Return this form to: Zachary A. Kitts
Cook Kitts & Francuzenko, PLLC
3554 Chain Bridge Rd, Suite 402
Fairfax, Virginia 22030
Phone: 703-865-7480
Fax: 703-434-3510